

Notice of Allowability

Application No.

09/841,593

Examiner

David L. Sorkin

Applicant(s)

KORO ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed 26 February 2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 03 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

David L. Sorkin
Examiner
Art Unit: 1723

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert T. Pous on 13 April 2004. Mr. Pous and the examiner agreed to the amendment to make the claims more consistent with applicant's 1/2/2003 remarks and to more clearly distinguish the claims over Regalia (US 2001/0050880).

The application has been amended as follows:

In claim 1, line 10, after "middle side thereof", "by" was changed to – to --.

In claim 11, line 11, after "middle side thereof", "by" was changed to – to --.

2. The following is an examiner's statement of reasons for allowance: The closest prior art references are Regalia (US 2001/0050880) and Lohmann (US 1,406,666). Independent claims 1 and 11 are patentable over Regalia ('880) because Regalia ('880) does not disclose or render obvious the linear blade extending "to or beyond the longitudinal middle" of the rotor in combination with the nonlinear blade extending "beyond the longitudinal middle" of the rotor. In Regalia ('880) either the linear or non-linear blade does not extend to the middle of the rotor. In other words, no longitudinal overlapping of the linear and non-linear blades is disclosed or rendered obvious by

Art Unit: 1723

Regalia ('880). Independent claims 4 and 14 are patentable over Regalia ('880) because Regalia ('880) does not disclose or render obvious the claimed relationship of the first shorter blade to the first longer blade, in combination with the requirement that the longer blades be longer than the shorter blade (see applicant's 1/2/2003 remarks, page numbered "7", last paragraph). Independent claims 1 and 11, are patentable over Lohmann ('666) because the linear blade does not extend from an edge of a longitudinal end of the rotor. Instead there is a gap (referred to as a "port" by Lohmann '666) between the linear blades and anything that could properly be considered the edge of a longitudinal end of the rotor. Independent claims 4 and 14 are patentable over Lohmann ('666) because Lohmann ('666) does not disclose or render obvious the claimed relationship of the first shorter blade to the first longer blade, in combination with the requirement that the longer blades be longer than the shorter blade (see applicant's 1/2/2003 remarks, page numbered "7", last paragraph). Also, the linear blades of Lohmann ('666) do not extend "from a longitudinal end" of the rotor. Instead there is a gap (referred to as a "port" by Lohmann '666) between the linear blades and anything that could properly be considered a longitudinal end of the rotor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Sorkin

David L. Sorkin
Examiner
Art Unit 1723